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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
|--|-------------|--------------------------|---------------------------------|------------------------|
| 10/530,387   | 02/28/2006  | George Alexander Burnett | SC 044 US/PCT                   | 4885                   |
| 7590 07/07/2008  |             |                          |                                 |                        |
| Guy McClung<br># 114<br>5315B F.M. 1960 Rd. West<br>Houston, TX 77069-4410 |             |                          | EXAMINER<br>RODRIGUEZ, JOSEPH C |                        |
|  |             |                          | ART UNIT<br>3653                | PAPER NUMBER           |
|  |             |                          | MAIL DATE<br>07/07/2008         | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/530,387

**Applicant(s)**

BURNETT ET AL.

**Examiner**

JOSEPH C. RODRIGUEZ

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.5-9, 13 and 39-57 is/are pending in the application.
- 4a) Of the above claim(s) 39-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.5-9 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850/8)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 8/15/05; 3/27/08; 3/31/08

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of claims 1, 5-9 and 13 in the reply filed on 5/05/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 39-57 have been withdrawn as a non-elected claim grouping.

### ***Specification***

The disclosure is objected to as lacking appropriate section headings as outlined in 37 CFR 1.77. See also 37 CFR 1.72-1.77; MPEP § 608.01(a). Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5-9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim limitations regarding the panel, support structure and member are indefinite. That is, in claim 1, the member is arranged "between said panel and said support" while in claims 5 and 6, the member appears to comprise the panel and

support structure. Thus, it is unclear if the member is a separate structure, or otherwise, and the claims are indefinite.

Claim 7 recites the limitation "said support member". There is improper antecedent basis for this limitation in the claim as Applicant has defined multiple support members.

Examiner requests clarification, and in the interim, has interpreted the claims as set forth below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cravello (US 5,690,826).

Cravello (Fig. 1, 4-7) teaches a screen assembly comprising  
a panel (60; col. 7 teaching multiple trough areas that function as support ribs and multiple layers of bonded cloth wherein any sub-layer can be regarded as having multiple apertures) having an area provided with a multiplicity of apertures and at least one layer of screening material arranged over the multiplicity of apertures, the panel having at least one support rib for supporting the panel

a support structure (bottom structural support structure with outer frame, multiple openings and cross members with bars shown in fig. 1), wherein the panel is removable from said support structure, and

at least one member (corrugated lips 30) arranged "between" said panel and said support structure within the perimeter of said panel over which said at least one support rib and said panel is deflectable such that at least two spans are defined by said panel (Fig. 1, 4 wherein each trough region can be regarded as a separate span and panel is regarded as corresponding support member that is deflectable in use over corrugate lips thus forming corresponding concave-convex structure). Further, the member can also be regarded as including the panel and structural support as claimed by Applicant.

### ***Conclusion***

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**. The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Art Unit: 3653

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

/Joseph C Rodriguez/  
Primary Examiner, Art Unit 3653  
Jcr

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July 3, 2008